

Chapter Four

Level of Care

Introduction The information in this chapter addresses level of care issues including the criteria used to determine the resident's need for nursing facility care.

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Nursing Facility Level of Care Criteria

Overview The following criteria are not intended to be the only determinant of the resident's need for nursing facility level of care. Professional judgment and a thorough evaluation of the resident's medical condition and psychosocial needs are necessary, as well as an understanding of and the ability to differentiate between the need for nursing facility care or other health care alternatives. All professional services that are provided to the resident to maintain, monitor, and/or enhance level of health must be addressed in the medical records and reflected on the medical eligibility assessment form.

Nursing facility level of care, as ordered by a physician, must be provided on a 24-hour basis, with a minimum of eight hours of licensed nurse coverage daily. Nursing facility care provides daily licensed nursing care but does not require the degree of medical consultation and support services available in an acute care hospital. Nursing facility care is provided under the direction of a physician in order to promote and maintain the highest level of functioning of the resident and to assure quality resident care.

Nursing facility level of care includes daily observation and assessment of the total needs of the resident by a licensed nurse, planning and management of a recorded treatment plan according to that which is established and approved by a physician, and rendering direct services to the resident.

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Nursing Facility Level of Care Criteria, continued

Minimum Requirements

The following, describes the **minimum** requirements for a resident to qualify for nursing facility level of care.

- performance of services that by physician judgment require either:
 - ◆ a licensed nurse for a minimum of eight hours daily
 - ◆ other personnel working under the supervision of a licensed nurse
- need for daily licensed nurse observation and assessment of resident needs
- need for administration and/or control of medications which, according to state law, are to be the exclusive responsibility of licensed nurses, requiring daily observation for drug effectiveness and side effects
- need for restorative nursing measures to maintain or restore maximum function or to prevent the advancement of progressive disabilities as much as possible. Such measures may include, but are not limited to the following:
 - ◆ encouraging residents to achieve independence in activities of daily living (i.e., bathing, eating, toileting, dressing, transfer/ambulation)
 - ◆ use of preventive measures/devices to prevent or retard the development of contractures, such as positioning and alignment, range of motion, use of handrolls, and positioning pillows
 - ◆ ambulation and gait training with or without assistive devices
- special therapeutic diets: nutritional needs under the supervision and monitoring of a registered dietician with resident requiring a specialized diet
- nasogastric/gastrostomy tubes: requiring supervision and observation by licensed nurses on an 8-hour basis
 - ◆ tube with flushes
 - ◆ medications per tube when resident on regular or soft diet
 - ◆ supplemental bolus feedings
- respiratory therapy: oxygen as a temporary or intermittent therapy or for residents who receive oxygen therapy continuously as a component of a stable treatment plan
 - ◆ nebulizer usage
 - ◆ pulse oximetry
 - ◆ oral suctioning
- wounds and care of: decubitus ulcers or open areas
- dialysis: hemodialysis or peritoneal dialysis as part of a maintenance treatment plan
- rehabilitative services: by licensed therapist or assistant as part of a maintenance treatment plan
- diabetes: when daily observation of dietary intake and/or medication administration is required for proper physiological control

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Nursing Facility Level of Care Criteria, continued

Conditions that Alone May Not Justify Nursing Facility Level of Care

The following can, when present in combination, justify nursing facility level of care placement.

- **need for teaching and counseling** related to a disease process and/or disabilities, diet, or medication
- **adaptive programs:** for training purposes in order to reach the resident's maximum potential (i.e., bowel and bladder training or restorative feeding). Documentation must include the purpose of the resident's participation in the program and the resident's progress.
- **ancillary therapies:** supervision of resident performance of procedures taught by physical, occupational, or speech therapist. This may include care of braces or prostheses and general care of plaster casts.
- **injections:** given during the hours a nurse is on duty requiring administration and/or professional judgment by a licensed nurse
- **treatments:** temporary cast, braces, splint, hot or cold applications, or other applications requiring nursing care and direction
- **psychosocial considerations:** psychosocial condition of each resident will be evaluated in relation to his/her medical condition when determining nursing facility level of care. Factors taken into consideration along with the resident's medical needs include:
 - ◆ whenever a resident exhibits acute psychological symptoms, these symptoms and the need for appropriate services and supervision must have been documented by physician's orders or progress notes and/or by nursing or therapy notes.
 - ◆ age
 - ◆ length of stay in current placement
 - ◆ location and condition of spouse
 - ◆ proximity of social support
 - ◆ effect of transfer on resident, understanding that there can always be, to a greater or lesser degree, some trauma with transfer (proper and timely discharge planning will help alleviate the fear and worry of transfer)
- **blindness**
- **behavioral problems** such as:
 - ◆ wandering
 - ◆ verbal disruptiveness
 - ◆ combativeness
 - ◆ verbal or physical abusiveness
 - ◆ inappropriate behavior (when it can be properly managed at the nursing facility level of care)
- **frequent falls**
- **chronic recurrent medical problems** that require daily observation by licensed personnel for prevention and/or treatment

Appeals

Appealing a Nursing Facility Level of Care Denial

When the nursing facility level of care is denied and when a transfer/discharge notice is issued, nursing facility residents/responsible parties have the right to an appeal.

Medicaid Payments

Medicaid payments will continue at the existing level of care for an authorized Medicaid recipient while an informal appeal is in process.
